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Remarks/Arguments

Claim 2 is canceled. Claims 1 and 3 are amended and claims 4 through 15 are newly added. Applicants have introduced these amendments to clarify the invention to the Examiner as well as to distinguish the invention over the cited references. No new matter has been added to the prosecution of this application. For at least the reasons stated below, Applicants assert that all claims are in condition for allowance.

1. The § 102 Rejections

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Dedrick (U.S. Patent Number 5,696,965). The Examiner asserts that Dedrick teaches "a plurality of traffic monitors at a plurality of provider sites", "a server connected to said traffic monitors to receive traffic data from said traffic monitors", and "a data communications connection through which users may access said database" at column 2 lines 56-62, column 3 lines 49-58, column 4 lines 5-67, column 10 lines 52-67, figures 2 through 4, and in the Abstract. Applicants oppose the rejections and assert that Dedrick does not teach or suggest all of the amended claim limitations.

Dedrick does not teach the newly added limitations.

Claim 1 has been amended to clarify the invention. Reviewing the amended claims, it is now clear that claim 1 includes:

- (1) a traffic database for storing the pedestrian traffic data;
- (2) at least one database for storing non-traffic related data;
- (3) a view creator for generating national retail traffic Index data by processing the data stored in these databases; and
- (4) a national retail traffic index data mart for storing the national retail traffic Index data.

Dedrick does not teach or suggest the use of non-traffic related data (such as demographic data, corporate profile data, sales data, etc., which are specifically claimed in

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claim 4) to generate national retail traffic index data, which is then stored on a data mart. Consequently Dedrick cannot now be said to anticipate the claimed invention.


Claim 3 has been amended similarly as claim 1. Claims 4 and 5 have been added to claim that the databases for non-traffic related data are: a demographics database for storing census demographics, a profiles database for storing site profiles (associated to a set of provider sites) and corporate profiles (associated to a set of corporations), and a customer database for storing sales data.

The new claims 4 through 15 have been added as dependent on either claim 1 or 3. As Dedrick does not teach nor suggest the claimed invention. Applicants request that the rejections be withdrawn.

2. Summary

Applicants submit that all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7387. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 14862-323).

Respectfully submitted,



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